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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,903	08/28/2000	Stefan O. Dick	P-1000	7709

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EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/649,903

Applicant(s)

BOUVIER ET AL.

Examiner

Jila M Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy `573 in view of Lancesseur (5,432,214). Pakeriasamy `573 discloses a packaging container for integrated circuits comprising a tray (11a) for holding integrated circuits, and a tray cover (11b), wherein the composition of the tray comprises a plastic material treated or coated with an appropriate additive so as to render it anti-static or static dissipative to avoid damage to the integrated circuits caused by electrostatic discharge. Pakeriasamy `573 does not appear to disclose the tray cover having a moisture-absorbent composition material. Lancesseur `214 discloses a packaging container for packaging goods that are sensitive to moisture, where the composition of the packaging material is a dehydrating plastics (polypropylene) material composition of high moisture-absorption capacity which is formed by injection, thermoforming, or blow molding. The dehydration agent/desiccating material can be silica gels and molecular sieves. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tray cover composition of Pakeriasamy `573 from a dehydrating material as taught by Lancesseur `214 to adsorb

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moisture contained within the packaging container and therefore prevent damage to the integrated circuits due to moisture and humidity.

The applicant has presented a comprising claim, which does not prevent the application of additional features already in the references.

3. Claims 2-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy `573 as applied to claim 1 above, and further in view of Martin et al. (5,875,892). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for having a humidity indicator device. Martin `892 discloses a packaging container for integrated circuits where the upper section of the packaging container has an opening (18) for receiving a humidity indicator device (20, 22). The humidity indicator device is secured to the packaging container by a clear, plastic, circular disk (24). See Figure 2 embodiment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a humidity indicator device to the packaging container of Pakeriasamy `573 as taught by Martin `892 to visually control and disclose the humidity of the air within the container.

With regard to claims 6, 7, see column 3, lines 65-67 and column 4, lines 1-7 of Martin `892.

4. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claim 1 above, and further in view of Kitamura et al. (5,295,297). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for the packaging container further comprising a water and moisture-proof barrier bag into which the tray is secured. Kitamura `297 discloses a packaging

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container for integrated circuits comprising a water and moisture-proof barrier bag for moisture proofing the packaging container (see column 12, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a water, moisture-proof barrier bag for the packaging container of Pakeriasamy `573 as taught by Kitamura `297 to better moisture-proof the packaging container and avoid damage to the integrated circuits caused by moisture.

With regard to claims 15 and 16, see column 3, lines 65-67 and column 4, lines 1-7 of Martin `892.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) And *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lancesseur `214 discloses a packaging container for packaging goods that are sensitive to moisture, where the composition of the packaging material is a dehydrating plastics (polypropylene) material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tray cover composition of

Pakeriasamy `573 from a dehydrating material as taught by Lancesseur `214 to adsorb moisture contained within the packaging container and therefore prevent damage to the integrated circuits due to moisture and humidity.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the tray cover manufactured from a composition which is different from the composition of the tray) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments that the instant invention requires only a plastic material and desiccating material, the applicant has presented a comprising claim, which does not prevent the application of additional features already in the references. The transitional phrases "comprising", "consisting essentially of" and "consisting of" define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim.

The transitional term "comprising", which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. See, e.g., *Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997) ("Comprising" is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim.); *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed.

Cir. 1986); In re Baxter, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); Ex parte Davis, 80 USPQ 448, 450 (Bd. App. 1948) ("comprising" leaves "the claim open for the inclusion of unspecified ingredients even in major amounts").

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

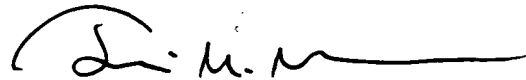
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandesi whose telephone number is (703) 305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

**J. MOHANDESI
PATENT EXAMINER**



Jila M Mohandesi
Examiner
Art Unit 3728

JMM
April 8, 2003